



Ministry
of Defence

Secretariat

Defence Infrastructure Organisation

Kingston Road

Sutton Coldfield

B75 7RL

E-mail: diosec-parli@mod.uk

www.gov.uk/DIO

Ref: FOI2017/01759

[REDACTED]

1 March 2017

Dear [REDACTED]

Thank you for your [letter/email] of 2 February requesting the following information:

“... relating to correspondence between the MoD Safeguarding Organisation and Hambleton District Council concerning the proposed wind farm development at Bullamoor in North Yorkshire.”

“The matter to concern the proposed wind farm at Bullamoor

“Correspondence and emails from 1 Jan 2016 to the current date.

“If commercial confidentiality prevents a full release of letters and emails then at least a statement confirming that correspondence addressing this matter has taken place with the Council, the date it occurred and a description in general terms of what was said.”

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA). A search for the information has now been completed within the Ministry of Defence, and I can confirm that all the information] in scope of your request is held and can be found at annex A. Section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 1998. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact us in the first instance at the address above. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely,

DIO Secretariat

DIO Sec-Parli (MULTIUSER)

From: [REDACTED]
Sent: 01 December 2016 11:53
To: [REDACTED]
Subject: RE: 20161130_Bullamoor Wind Farm, Northallerton - MOD response to Hambleton DC_O
Attachments: 08.04984.FUL - Infinis letter 20.06.16.pdf

WARNING: An attachment to this email may contain a potentially harmful file. If this email is unsolicited **DO NOT** open the attachment and advise your local help desk immediately. If you requested the attachment ensure that a virus scan is carried out before the file is opened.

Dear [REDACTED]

Thank you for your letter of 30 November. It does not directly answer the questions I had put but there may be good reasons why and I would like to check that with you.

If I have understood you correctly, the MoD's position is that no estimate can be given unless the developer has entered a 3-phase ATC mitigation programme. Could you confirm that please?

You will know from the undated letter I received in June (further copy attached), that Infinis suggests:

- i The radar at RAF Leeming will be replaced in 2021 under Project Marshall;
- ii Forming a commercial agreement to initiate trials would take in the order of two years;
- iii The period for those trials would be about two years; and therefore
- iv A period of ten years is a reasonable estimate for completion of the development.

It would be helpful if you are able to provide direct comment on these points (I will check with Infinis whether in point iv they meant ten years from now or from the date of the planning decision in December 2010 and can let you know if it helps).

Finally, I am being pressed by the residents who raised this issue to provide an update. Infinis has confirmed that I can share their letter; are you able to confirm the same for yours?

Kind regards

[REDACTED]

Tel: [REDACTED]
Email: [REDACTED]
Website: www.hambleton.gov.uk

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Preferred Options Consultation
New Local Plan for Hambleton

HAMBLETON
DISTRICT COUNCIL

From: [REDACTED]
Sent: 30 November 2016 15:47
To: [REDACTED]
Subject: 20161130_Bullamoor Wind Farm, Northallerton - MOD response to Hambleton DC_O

[REDACTED]

Please accept my apologies for the delay in responding to you regarding the Bullamoor wind farm development and the MOD's suspensive planning condition.

Please find attached a letter which I trust addresses the questions you have asked.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

**Defence
Infrastructure
Organisation**

Kingston Road, Sutton Coldfield, West Midlands, B75 7RL

MOD telephone: [REDACTED] **Telephone:** [REDACTED] **Fax:** [REDACTED] **Email:** [REDACTED]
Website: <https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

Please note that my working days are Monday, Tuesday and Wednesday

- i The Council granted planning permission for a windfarm in 2010 subject to a condition that a Radar Mitigation Scheme in respect of RAF Leeming is approved before any of the turbines are erected.
- ii The planning permission has been taken up through the construction of other elements but work has halted pending submission of the Radar Mitigation Scheme.
- iii There is a local perception that Infinis will not be able to reach agreement with the MoD on the specification for the Radar Mitigation Scheme and therefore that the development will remain incomplete indefinitely. Sensing this, a local group has asked the Council to consider compelling Infinis to complete the project by a set date.
- iv In order to consider this the Council wishes to know Infinis and the MoD's views on the likely timescale for reaching agreement on the specification, following which the Radar Mitigation Scheme would be submitted to the Council and the turbines erected.

You may find it easiest to respond to this request by advising whether or not the MoD considers the position set out by Infinis in the third attachment is reasonable and realistic.

Kind regards

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Environment and Planning Department, North Street, York YO1 1AB

Tel: 01904 470000

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Hambleton District Council, Civic Centre, Stone Cross, Norththorpe, YO16 2UU



**Defence
Infrastructure
Organisation**

Your Ref. 08/04984/FUL
DIO Ref. DE/C/SUT/43/10/1/6575

Ministry of Defence
Safeguarding
Kingston Road
Sutton Coldfield
West Midlands B75 7RL
United Kingdom

Telephone [MOD]: [REDACTED]
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E-mail: DIOSEE-EPSSG2@mod.uk

[REDACTED]
[REDACTED]
Hambleton District Council
Civic Centre
Stone Cross
Northallerton
North Yorkshire
DL6 2UU

30 November
2016

Dear [REDACTED]

Planning Permission 08/04984/FUL – Siting of 4no 132m high wind turbines, associated works and a new vehicular access at OS Field 0058, 6375, 4300 and 0001, Land South of A684, Northallerton (Bullamoor Wind Farm)

Please accept my sincere apologies for the delay in responding to your correspondence dated 2nd June 2016 and subsequent reminders. I am now in receipt of documentation from another Ministry of Defence (MOD) department – Defence Equipment and Support, which allows me to provide a fully considered response on the Bullamoor Wind Farm development.

The MOD's approach to Air Traffic Control mitigation, in line with legal advice received by the MOD, places the responsibility on the developer to propose site-specific mitigation to the MOD to address an outstanding objection. The MOD assesses the proposal from a technical and operational perspective. In most cases, the MOD is not able to prove that technical mitigation will not be achievable within the lifetime of the planning consent. As such the MOD proposes the wording of a Grampian-style planning condition to the developer to agree and updates the consenting authority accordingly. The MOD's approach to mitigation is tried and tested; it has been challenged at several appeals and has been supported by Inspectors in their decisions.

Any developer seeking to discharge an Air Traffic Control (ATC) suspensive planning condition is required to work alongside the MOD and enter a 3-phase ATC mitigation programme with Defence Equipment and Support. This programme is tailored to the specific needs of the wind farm development and the radar site affected by the proposal. The programme is designed to facilitate the production of the Radar Mitigation Scheme that will allow the MOD to recommend to the consenting authority that the suspensive planning condition on the associated consent has been satisfied and that it can be discharged. The MOD engages the developer in commercial agreements to secure funding and then contracts are tendered to pursue the respective stages of the programme.

For information, the 3 phases of the ATC mitigation programme are as follows;

1. Identification of potential solutions
2. Proving of candidate solutions
3. Implementation of selected solutions

In the military ATC environment, technical mitigation of wind farm interference is not a proven off-the-shelf commodity and at this time, there is no guarantee that technical mitigation is possible. Progression through the 3-phase programme is therefore a tentative business requiring guarantees and fall-back positions in the event that pursuit of mitigation fails. Civilian Air Traffic Control and military Air Traffic Control have different operating environments and requirements, so therefore it is not appropriate to compare mitigation solutions which may have been achieved for developments elsewhere. No MOD ATC related planning condition has been discharged to date.

Infinis, the developer of the Bullamoor wind farm scheme, formed part of one of the first tranches of onshore wind farms who approached the MOD to participate in the Air Traffic Control (ATC) mitigation programme. Infinis engaged with the MOD to gain an understanding of the programme aims, costs and timescales. This involved attending presentations and forums on the topic with the MOD's consultants Aquila¹ during the spring and summer of 2015. An extension to the sign-up date was granted to Infinis who concluded not to participate in the programme for a number of reasons including; concerns that funding timescales could not be fulfilled, uncertainty regarding the outcomes and conclusions of Phase 1 of the programme, the lack of estimate costings for subsequent phases and the long period before any prospect of discharge of the suspensive planning condition. Infinis informed the MOD of this in July 2015.

Following Infinis' decision not to participate in the mitigation programme, the developer understood that this is the only route currently available that MOD is aware of to discharge the suspensive planning condition. The MOD therefore considers that commencing development onsite to activate their planning consent and its associated risks is a matter for Infinis, and it is not appropriate for the MOD to comment further. There has been no contact between Infinis and the MOD regarding this development and the need for a radar mitigation scheme since their decision not to participate in the programme.

The MOD would welcome engagement from Infinis should they wish to progress with the 3 phase ATC mitigation programme.

I trust that the content of this letter addresses your questions. Should you require any additional information or should you wish to discuss matters then please do not hesitate to contact me.

Yours sincerely



¹ Aquila are tasked to deliver the MOD's project to update existing Air Traffic management systems under Project Marshall.

Tel: [REDACTED]
Email: [REDACTED]
Website: www.hambleton.gov.uk

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From: [REDACTED]
Sent: 11 August 2016 12:16
To: [REDACTED]
Subject: Bullamoor Wind Farm, Northallerton

Following my conversation with [REDACTED] this morning I enclose copies of the letters I had sent to your Whitehall office on 2 and 20 June (first and second attachments).

I have also attached copies of:

- (a) a letter from the site developer, Infinis Energy, (third attachment) which was originally enclosed with my letter of 20 June; and
- (b) correspondence between Rishi Sunak MP and Mark Lancaster TD MP (fourth attachment) which was originally enclosed with my letter of 2 June .

The background to this is:

- i The Council granted planning permission for a windfarm in 2010 subject to a condition that a Radar Mitigation Scheme in respect of RAF Leeming is approved before any of the turbines are erected.
- ii The planning permission has been taken up through the construction of other elements but work has halted pending submission of the Radar Mitigation Scheme.
- iii There is a local perception that Infinis will not be able to reach agreement with the MoD on the specification for the Radar Mitigation Scheme and therefore that the development will remain incomplete indefinitely. Sensing this, a local group has asked the Council to consider compelling Infinis to complete the project by a set date.

iv In order to consider this the Council wishes to know Infinis and the MoD's views on the likely timescale for reaching agreement on the specification, following which the Radar Mitigation Scheme would be submitted to the Council and the turbines erected.

You may find it easiest to respond to this request by advising whether or not the MoD considers the position set out by Infinis in the third attachment is reasonable and realistic.

Kind regards

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For more information on this document, please contact the sender of this e-mail.

DIO Sec-Parli (MULTIUSER)

From: [REDACTED]
Sent: 06 December 2016 10:15
To: [REDACTED]
Subject: 20161206_Bullamoor Wind Farm, Northallerton - MOD response to Hambleton DC_O

[REDACTED]

Many thanks for your email. Please find below the answers to the further questions you have raised;

If I have understood you correctly, the MoD's position is that no estimate can be given unless the developer has entered a 3-phase ATC mitigation programme. Could you confirm that please?

Yes, due to the absence of any other information at this time there is no mechanism for providing an estimate unless the developer is engaged in the 3-phase ATC mitigation programme.

The radar at RAF Leeming will be replaced in 2021 under Project Marshall

I have asked this question of colleagues in other areas of the MOD for comment. I will return to you with a response when I am in receipt of the answer.

Forming a commercial agreement to initiate trials would take in the order of two years

The MOD is unclear of where Infinis have taken this timescale from; if the developer engages in the 3-phase ATC mitigation programme then the MOD will draft a commercial agreement and seek agreement from the developer. It is the developer's responsibility to negotiate and/or sign the commercial agreement, and the associated timescales will be dictated by the speed of the developer's actions.

The period for those trials would be about two years

The MOD is unable to comment on such specific matters until the developer enter the 3-phase ATC mitigation programme.

A period of ten years is a reasonable estimate for completion of the development

The MOD is unable to comment on a completion date because the developer is yet to formally engage.

Infinis has confirmed that I can share their letter; are you able to confirm the same for yours?

The MOD is content for the letter to be shared with interested parties however given the letter makes direct reference to Infinis, are they agreeable to the contents being shared?

I hope to be able to return to you w/c 12th December regarding Q1.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
**Defence
Infrastructure
Organisation**

Kingston Road, Sutton Coldfield, West Midlands, B75 7RL

MOD telephone: [REDACTED] **Telephone:** 0 [REDACTED] **Fax:** 0 [REDACTED] 18 **Email:** [REDACTED]
Website: <https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

Please note that my working days are Monday, Tuesday and Wednesday

From: [REDACTED]
Sent: 01 December 2016 11:53
To: [REDACTED]
Subject: RE: 20161130_Bullamoor Wind Farm, Northallerton - MOD response to Hambleton DC_O

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Dear [REDACTED]

Thank you for your letter of 30 November. It does not directly answer the questions I had put but there may be good reasons why and I would like to check that with you.

If I have understood you correctly, the MoD's position is that no estimate can be given unless the developer has entered a 3-phase ATC mitigation programme. Could you confirm that please?

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- ii Forming a commercial agreement to initiate trials would take in the order of two years;
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- iv A period of ten years is a reasonable estimate for completion of the development.

It would be helpful if you are able to provide direct comment on these points (I will check with Infinis whether in point iv they meant ten years from now or from the date of the planning decision in December 2010 and can let you know if it helps).

Finally, I am being pressed by the residents who raised this issue to provide an update. Infinis has confirmed that I can share their letter; are you able to confirm the same for yours?

Kind regards

[Redacted signature]

Email: [Redacted]
Website: www.hambleton.gov.uk

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HAMBLETON
DISTRICT COUNCIL

From: DIO SEE-EPS SG2 ([Redacted])
Sent: 30 November 2016 15:47
To: [Redacted]
Subject: 20161130_Bullamoore Wind Farm, Northallerton - MOD response to Hambleton DC_O

[Redacted]

Please accept my apologies for the delay in responding to you regarding the Bullamoore wind farm development and the MOD's suspensive planning condition.

Please find attached a letter which I trust addresses the questions you have asked.

Kind regards

[Redacted signature]

Defence
Infrastructure
Organisation

I have also attached copies of:

- (a) a letter from the site developer, Infinis Energy, (third attachment) which was originally enclosed with my letter of 20 June; and
- (b) correspondence between Rishi Sunak MP and Mark Lancaster TD MP (fourth attachment) which was originally enclosed with my letter of 2 June .

The background to this is:

- i The Council granted planning permission for a windfarm in 2010 subject to a condition that a Radar Mitigation Scheme in respect of RAF Leeming is approved before any of the turbines are erected.
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For contact with the Council, please contact: Steve Cross, Tel: 01423 201200

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Your Ref. 08/04984/FUL
DIO Ref. DE/C/SUT/43/10/1/6575

Ministry of Defence
Safeguarding
Kingston Road
Sutton Coldfield
West Midlands B75 7RL
United Kingdom

Telephone [MOD]: +44 (0)121 311 2443
Facsimile [MOD]: +44 (0)121 311 2218
E-mail: DIOSEE-EPSSG2@mod.uk



30 November
2016

Dear [REDACTED]

Planning Permission 08/04984/FUL – Siting of 4no 132m high wind turbines, associated works and a new vehicular access at OS Field 0058, 6375, 4300 and 0001, Land South of A684, Northallerton (Bullamoore Wind Farm)

Please accept my sincere apologies for the delay in responding to your correspondence dated 2nd June 2016 and subsequent reminders. I am now in receipt of documentation from another Ministry of Defence (MOD) department – Defence Equipment and Support, which allows me to provide a fully considered response on the Bullamoore Wind Farm development.

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Any developer seeking to discharge an Air Traffic Control (ATC) suspensive planning condition is required to work alongside the MOD and enter a 3-phase ATC mitigation programme with Defence Equipment and Support. This programme is tailored to the specific needs of the wind farm development and the radar site affected by the proposal. The programme is designed to facilitate the production of the Radar Mitigation Scheme that will allow the MOD to recommend to the consenting authority that the suspensive planning condition on the associated consent has been satisfied and that it can be discharged. The MOD engages the developer in commercial agreements to secure funding and then contracts are tendered to pursue the respective stages of the programme.

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The MOD would welcome engagement from Infinis should they wish to progress with the 3 phase ATC mitigation programme.

I trust that the content of this letter addresses your questions. Should you require any additional information or should you wish to discuss matters then please do not hesitate to contact me.

Yours sincerely



¹ Aquila are tasked to deliver the MOD's project to update existing Air Traffic management systems under Project Marshall.

DIO Sec-Parli (MULTIUSER)

From: [REDACTED]
Sent: 11 August 2016 12:16
To: [REDACTED]
Subject: Bullamoor Wind Farm, Northallerton
Attachments: 08.04984.FUL - letter to MoD 02.06.16.pdf; 08.04984.FUL - letter to MoD 20.06.16.pdf; 08.04984.FUL - Infinis letter 20.06.16.pdf; 08.04984.FUL MP and MoD letters.pdf

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Kind regards

[Redacted]
[Redacted]g
[Redacted]
[Redacted]
Email: [Redacted]
Website: www.hambleton.gov.uk

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Hambleton District Council, 100 High Street, Hambleton, Leicestershire, LE15 8JH

Ministry of Defence
Floor 5, Zone B, Main Building
Whitehall
London
SW1A 2HB

Your Ref: D/Min(DPV)/ML MC2016/03244e
My Ref: 08/04984/FUL
Dealt with by: [REDACTED]
Typetalk: 18001 01609 779977

2 June 2016

Dear Sirs

Planning permission 08/04984/FUL - Siting of 4no 132m high wind turbines, associated works and a new vehicular access at OS Field 0058, 6375, 4300 and 0001, land south of A684, Northallerton (Bullamoor Wind Farm)

I refer to the enclosed correspondence, including a letter sent by the Parliamentary Under-Secretary, Mark Lancaster TD MP, to Rishi Sunak MP, and should be grateful for your advice on the following matters.

The planning permission was granted in 2010 and is part implemented; however the turbines have not yet been erected. That is because a condition of the planning permission prevents them being erected until the Council has approved a Radar Mitigation Scheme designed to mitigate their impact on the Watchman Primary Surveillance Radar at RAF Leeming and associated air traffic control operations. It is understood that the developer, Infinis Energy, will only submit a scheme to the Council if it has first secured the Ministry's agreement.

Under current UK law, provided development has commenced lawfully within a specified period (which it has in this case) there is no legal requirement for it to be completed by a given date unless the Local Planning Authority has served a completion notice under S94 of the Town and Country Planning Act 1990 and the Secretary of State for Communities and Local Government has confirmed the notice under S95 of the same Act. This is a rarely used procedure and usually considered to address the unsightliness of part completed buildings. However, in this case the Council has been asked to consider serving a completion notice even though there is very little to be seen on the site.

It appears this request turns on a local perception that Infinis Energy will not be able to reach agreement with the Ministry on the specification for the Radar Mitigation Scheme and therefore that the development will remain incomplete indefinitely. I do not think the Parliamentary Under-Secretary's letter says that and I believe the programme Infinis Energy withdrew from may not have been specific to this site or RAF Leeming but I should be grateful for your advice.

As outlined in the Council's reply to the MP, the power to serve a completion notice is subject to certain restrictions, not least the requirement in Section 94(2) of the Town and Country Planning Act 1990 that the authority must be of the opinion that the development will not be completed "within a reasonable period". In this case I think the first step must be for the Council to form a view on what, in the circumstances, would be a reasonable time scale for the four wind turbines and remaining associated works to be completed, taking account of the desirability of reaching agreement with the Ministry before

submitting a Radar Mitigation Scheme for the Council's approval. I am writing to the developer to seek their views on this and would appreciate any advice you are able to give on the matter.

Yours sincerely

[REDACTED]
Head of Service - Planning and Housing

Te [REDACTED]
[REDACTED]

Enc.

Ministry of Defence
Floor 5, Zone B, Main Building
Whitehall
London
SW1A 2HB

Your Ref: D/Min(DPV)/ML MC2016/03244e
My Ref: 08/04984/FUL
Dealt with by: [REDACTED]
Typetalk: 18001 01609 779977

20 June 2016

Dear Sirs

Planning permission 08/04984/FUL - Siting of 4no 132m high wind turbines, associated works and a new vehicular access at OS Field 0058, 6375, 4300 and 0001, land south of A684, Northallerton (Bullamoore Wind Farm)

Further to my letter of 2 June I enclose a copy of advice received from the developer. I look forward to receiving your advice on the same matter.

Yours sincerely

[REDACTED] using

Tel: [REDACTED]
[REDACTED]

Enc.



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[REDACTED] le
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[REDACTED] Council
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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PLANNING PERMISSION 08/04984/FUL – BULLAMOORE WIND FARM

Dear [REDACTED]

Thank you for your recent letter to our agent [REDACTED] at Arcus Consultancy Services Ltd (your ref 08/04984/FUL, dated 2nd June 2016). You also enclosed copies of:

1. Letter from Mark Lancaster MP (MoD) to Rishi Sunak MP, dated 8th April 2016;
2. Letter from Rishi Sunak MP to [REDACTED] (Hambleton District Council), dated 9th May 2016; and
3. Letter from [REDACTED] (Hambleton District Council) to Rishi Sunak MP, dated 1st June 2016.

Clearly we do not have sight of the original letter from Rishi Sunak MP to Mark Lancaster MP, dated 10th March 2016, but we believe that we have sufficient information to demonstrate that a Completion Notice is not relevant in this case.

Hambleton District Council will, we hope, agree that Infinis and their agents have made great efforts to keep the Council fully up to speed on what has been a very long process so far, and when we have acted and reacted to events relating to this planning permission, this has always been done with the full knowledge of the Council and the Council confirmed that a lawful commencement had been made on site in an e-mail dated the 18th April 2016.

It is helpful to reflect on the background to the suspensive aviation condition and the engagement between Infinis and the MoD to date for discharging this condition. Although Mark Lancaster's letter of 8th April is factually correct, it does not provide the full picture on this matter.

It was the MoD who, in 2010, decided that a suspensive condition would be appropriate for the Bullamoore wind farm. In making that decision, they concluded that there was a very real



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prospect of implementation of mitigation technology which was relatively mature at that time, before the expiry of the planning permission in December 2015. Infinis agreed that this was a very reasonable position for the MoD to take and so accepted the condition.

In the period between 2010 and 2015, a number of suspensive conditions relating to wind turbine impacts on radar have been granted and have been successfully discharged, relating to a wide variety of locations and types of radar and using a variety of mitigation techniques. Infinis has successfully discharged an aviation condition relating to the MoD's air defence radar at Brizlee Wood. Infinis have also reached agreement with a number of civil airports and NATS on a number of their own wind turbine projects, which are now either in operation or in construction.

The process for all developers with a suspensive condition relating to impacts on any of the MoD's Watchman primary surveillance radars (PSRs), which provide an Air traffic Control (ATC) service, has been subject to delay and immensely frustrating. Notwithstanding this, the fact that since Bullamoor the MoD has agreed to suspensive conditions with several other developments for the same issue must reflect their continuing belief that they are satisfied with the existing evidence of the likelihood of a technical solution being realised within a reasonable timeframe.

Although the MoD does look to developers to propose acceptable radar mitigation schemes to them, there are other factors at play here, not least the transfer of responsibility for the provision of a PSR service from the MoD to a commercial supplier (Aquila), under Project Marshall. It is noticeable that, despite many other suspensive conditions relating to PSRs at non-military sites being discharged, no single developer has yet been able to achieve the same with the MoD. Infinis is one of many developers who continue to work to resolve this matter.

The MoD took the strategic decision not to engage with developers of onshore wind farms for a significant period of time, whilst they focussed on achieving a form of agreement with four offshore wind farm projects (Beatrice, Moray Firth, Neart Na Gaoithe and Inch Cape). The proposal for these offshore wind farms is that the schemes will be allowed to construct and operate as long as they agree to fund trials into potential mitigation for the impacts of these schemes on the MoD's relevant PSRs.

Importantly for the offshore wind farms, if the mitigation trials are not successful, the wind farms will still enter full operational service, and the MoD will accept the impact of the turbines on the radars, relying instead on Transponder Mandatory Zones (TMZs) over the wind farm areas for aircraft identification.

The MoD did, in autumn of 2015, begin to engage with the fourteen developers of consented onshore wind farms with military PSR suspensive conditions. You will note that this was only a few months before the planning permission for Bullamoor was due to expire, so Infinis would argue very forcefully that they had no opportunity to resolve this matter within the initial five years not because of technical concerns but due to the inability of the MoD to accept any realistic process for doing so due to restructuring.



The offer to the onshore wind energy developers is different to the offer made to the offshore developers in one very important aspect: that funding the trials process will only permit the scheme to enter into construction if the trials are successful to the MoD's satisfaction. There is, therefore, a very great financial risk to entering into an agreement with the MoD for the onshore Military ATC mitigation project. Only three of the fourteen developers chose to enter into agreements with the MoD; the vast majority of developers with similar suspensive conditions did not.

This does not mean that there is no prospect of mitigation for these onshore wind farms ever being agreed. One part of the Project Marshall process is the upgrading of each of the PSRs. It is understood that the RAF Leeming radar (which is relevant to Bullamoor wind farm) will be upgraded anyway in 2021.

Many onshore wind energy developers believe that the risks to funding trials will be significantly reduced once the radar upgrades have been completed under Project Marshall, and therefore wait patiently for that time. Infinis shares this view, and have communicated this to the MoD. There are also a number of schemes which have achieved consent since the current three developers entered into contract with the MoD for the onshore trials in Q2 2016, and the MoD will not consider these projects until the current trials process has concluded. Infinis has one such wind farm site, consented in June 2016 with a suspensive condition for impacts on the PSR at RAF Spadeadam.

It is therefore very clear that a developer not participating in the current onshore Military ATC mitigation project has not abandoned the relevant project, nor that the developer or MoD believes there is no prospect of mitigation being achieved within a reasonable timescale. The MoD also expects to engage with these developments at a later date, which is evidenced by their discussing the outline process by which they expect these "later" developers to fund trials and achieve discharge of condition.

Infinis firmly believes that mitigation for Bullamoor wind farm is entirely feasible and, indeed, could have been achieved by now had the MoD engaged fully with developers at a much earlier juncture. Infinis believes that the only party who can truly answer the question "when will the suspensive aviation condition for Bullamoor be discharged" are the MoD. Given that we understand (but cannot be certain) that the radar at RAF Leeming will be replaced in 2021 under Project Marshall, and that forming a commercial agreement to initiate trials has taken 2 years, and that the period for trials is about 2 years, then a period of 10 years seems a reasonable estimate.

I hope this helps you to agree that:

- This consent is not "open ended";
- Infinis have been fully engaged with the MoD in trying to identify mitigation ever since December 2010;
- Infinis have successfully discharged suspensive aviation conditions for a number of its other wind farms;



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Civic Centre
Stone Cross
Northallerton
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DL6 2UU

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- There are many other developers who, like Infinis, deemed the risks in the current onshore military ATC mitigation project as much too great, but that, like Infinis, they are clear that the process of demonstrating suitable mitigation will be much simpler once the Project Marshall Radar upgrades have been implemented.

The process for trialling any such mitigation will, we expect, be driven by the MoD's processes and timescales, as it is with the current onshore military ATC mitigation project.

I hope this enables you to form a view on the project going forward and reasonable timescales required.

Please do not hesitate to contact either myself or [REDACTED] at Arcus if you have any further question.

Kind Regards

[REDACTED]

[REDACTED]
Project Developer
Bullamoor Wind Farm Ltd

Mob: [REDACTED]
E-mail: [REDACTED]



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Kind Regards

[REDACTED]

[REDACTED]
Project Developer
Bullamoor Wind Farm Ltd

Mob: [REDACTED]
E-mail: j [REDACTED]